

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Louis Ambrose,

Civil No. 14-4178 (DWF/JJK)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Dr. Joanne C. Smith, Mercy
Hospital-Moose Lake MN; Dr. Mandac,
Moose Lake Healthcare Provider;
Faribault Health Services Staff; and
Faribault Prison, all defendants to be
sued in their individual and official capacity,

Defendants.

This matter is before the Court upon Plaintiff Louis Ambrose's ("Plaintiff") objections (Doc. No. 6) to Magistrate Judge Jeffrey J. Keyes's November 6, 2014 Report and Recommendation (Doc. No. 5) insofar as it recommends that: (1) this action be summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and (2) Plaintiff's application to proceed *in forma pauperis* be denied as moot. Plaintiff also appears to have filed additional objections on December 16, 2014 (Doc. No. 7), nearly one month after his first set of objections and also after the November 20, 2014 deadline for objecting set by the Magistrate Judge. On December 16, 2014, Plaintiff further filed a self-styled Motion to Amend Complaint. (Doc. No. 8.) The Court also received Plaintiff's additional objections and letter on December 17, 2014. (Doc. Nos. 9 & 10.) No response to Plaintiff's objections was filed in the time period permitted.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Plaintiff's objections appear to generally relate to the quality of his healthcare and related services. Specifically, Plaintiff appears to argue that he was not properly admitted and treated when he suffered from a blood clot and also that he has not been properly treated for problems associated with his metal hip. Despite Plaintiff's unfortunate medical issues, Plaintiff's complaint still fails to state a cause of action on which relief may be granted for the reasons stated in the Report and Recommendation. The Court has also considered Plaintiff's attempt to add the "Faribault Health Services Staff, Dr. Kliber" via his objections and also his Motion to Amend Complaint, which seeks to add additional Faribault Health Services staff members as well as allegations relating to his hip problems and associated lack of medical care. Even taking into consideration the additional allegations Plaintiff seeks to add, Plaintiff's complaint would still be insufficient to state a cause of action. The Court notes that, as stated in the Report and Recommendation, Plaintiff's allegations may create the basis for state law claims and may be proper through the prison's grievance procedure, but they cannot support the claims currently before the Court. The Court, however, makes no judgment

on the viability of any such claims. The Court thus concludes, as did Magistrate Judge Keyes, that Plaintiff has failed to assert a plausible claim against Defendants.

Consequently, the Court dismisses this matter.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Louis Ambrose's objections (Doc. No. [6]) to Magistrate Judge Jeffrey J. Keyes's November 6, 2014 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Jeffrey J. Keyes's November 6, 2014 Report and Recommendation (Doc. No. [5]) is **ADOPTED**.

3. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

4. Plaintiff Louis Ambrose's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED AS MOOT**.

5. The Court hereby directs¹ the Clerk of Court to send a copy of this Order to the Faribault Correctional Facility at the following address:

Bruce Reiser, Warden
Minnesota Correctional Facility – Faribault
1101 Linden Lane
Faribault, MN 55201

¹ The Court makes this portion of its Order in light of the Court's receipt and careful review of Plaintiff's filings and correspondence detailing Plaintiff's medical issues.

6. The Court hereby directs the Warden at the Faribault Correctional Facility to inform this Court of what medical assistance has been provided to Mr. Ambrose since his first stroke on August 27, 2013. This includes treatment relating to his strokes as well as his asserted hip problems. This response shall be received by the Court on January 15, 2015. The response can be sent to this Court via e-mail at Frank_Chambers@mnd.uscourts.gov or mail at:

Honorable Donovan W. Frank, District Judge
United States District Court – District of Minnesota
724 Warren E. Burger Federal Building & United States Courthouse
316 North Robert Street
St. Paul, MN 55101

7. Plaintiff's Motion to Amend Complaint (Doc. No. [8]) is **DENIED AS MOOT.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 23, 2014 s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge